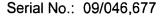As noted by the Examiner, Kim fails to teach a signal inhibition unit. The Examiner relies on Eaton for the teaching of a signal inhibition unit. Eaton does teach a telephone DTMF cancellation circuit 101. However, as stated in MPEP 2143.01 (quoting In Re Fine) "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in either the references themselves or the knowledge generally available to one of ordinary skill in the art." There is no suggestion in either Eaton or Kim to combine the two references.

Further, the knowledge of one of ordinary skill in the art would not lead to a combination of a remote maintenance method with a telephone dialing code processor absent the hindsight provided by the applicants' invention.   The examiner's statement that "the invention of Kim et al. provides for remote maintenance as does the invention of Eaton" does not comply with MPEP 2141.01 (a) which states (quoting In re Oetiker) "the reference must either be in the field of the applicants' endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." The references are not in the field of the applicants' endeavor, or even in the same field of endeavor, as indicated by being classified into different subclasses.

Moreover, the references are not reasonably pertinent to the particular problem with which the inventors were concerned. The inventors were concerned with remote manipulation of a "data processing device," not a "telephone dialing code processor" as taught by Eaton. Applicants therefore respectfully submit that the combination of the teachings of Eaton with Kim is improper, and should be withdrawn.

Further, neither Kim nor Eaton teach or suggest to "allow a transmission of the DTMF signal directly to the data processing device." Kim teaches a CPU 201 with a memory 202 located within a PBX system 200. The PBX system 200 may be configured by the remote maintenance center 220. However, the PBX 200 is the telephone network recited in claim 1. Thus, there is not a "data processing device" to send the signal to, as taught in Kim. Thus, even though Eaton teaches a micro-processor 107, the micro-processor 107 is defined in the specification at column 2, lines 31-35 as the "means to generate one or more substitute dialing codes and cause the resulting combination of output dialing codes to pass through to the telephone network." While generating one or more substitute dialing codes is processing, the micro-processor 107 is not a data processing device separate from the communication control

2

device. Therefore neither Kim nor Eaton teach or suggest to "allow a transmission of the DTMF signal directly to the data processing device" as recited in claim 1.

Further, the present invention uses remote control of the data processing device by transmitting a command signal (DTMF) through the communications control device to the PC and inhibiting transmission of the command signal to the telephone network, when the command signal being sent from the telephone unit indicates on of the telephone services of the PC. Kim teaches to remotely control a PBX system 200 by sending a control signal from a telephone unit to the system through a telephone network (PSTN). Eaton teaches a DTMF cancellation circuit 101 for interrupting or trapping signals passing along a telephone line. However, there is no teaching in Kim or Eaton of a data processing device to which a command signal from a telephone unit is transmitted. Thus, neither Kim nor Eaton teaches a "signal transmission inhibition unit" as recited in claim 1.

In addition, while the Office Action uses Eaton for the teaching of a signal inhibition unit, neither Eaton nor Kim does so. Eaton teaches a telephone dialing code processor 300 that is located between a telephone and a wall socket. The muting unit 101, provided in the processor 300, is not a signal inhibition unit that allows transmission of a command signal directly to a data processing device. There is no teaching in Eaton of a data processing device, which the command signal can be sent to. Kim teaches a CPU 201 with a memory 292 located within a PBX system 200. The PBX system 200 is the telephone network as recited in claim 1, which means that Kim does not teach a data processing device which the command signal can be sent to. Therefore, neither Kim nor Eaton teaches inhibiting "transmission of the DTMF command signal from the telephone unit to the telephone network and allows transmission of the DTMF command signal directly to the data processing device" as recited in claim 1.

Claims 10, 16 and 17 are allowable for at least reasons similar to those discussed above in relation to claim 1, i.e. claim 10 states "a signal transmission inhibition unit that selectively inhibits transmission of the command signal from the telephone unit to the telephone network and allows transmission of the DTMF command signal directly to the data processing device", claim 16 recites "allowing transmission of the command signal to the data processing device" and claim 17 recites "allowing transmission of the DTMF command signal directly to the data processing device." Claims 2-9 and 11-15 are allowable as depending on claims 1 and 10 respectively, as well as for the additional features recited therein. Reconsideration and withdrawal of the rejection of claims 1, 6, 8-10, 12, 13 and 15-17 under 35 U.S.C. §103(a) is

respectfully requested.

In paragraph 6 on page 4 of the Office Action, claims 7, 11 and 14 are rejected under 35 U. S. C §103 (a) as being unpatentable over <u>Kim</u> in view of <u>Eaton</u> in view of U. S. Patent No. 6,041,116 to <u>Myers</u>. The rejection is respectfully traversed.

<u>Myers</u> does not solve the deficiencies noted above in <u>Kim</u>. <u>Myers</u> does not at least teach or suggest the signal inhibition unit described above. Therefore, claims 7, 11 and 14 are allowable as depending on claims 1 and 10 respectively, as well as for the additional features recited therein. Reconsideration and withdrawal of the rejection of claims 7, 11 and 14 under 35 U.S.C §103(a) is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that affect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____20 July 01_____   By: _____
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4